

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN ADAMS, #592579,

Petitioner,

v.

CASE NO. 2:13-CV-10735
HONORABLE GEORGE CARAM STEEH

LINDA TRIBLEY,

Respondent.

_____ /

ORDER DENYING THE PETITIONER'S MOTION FOR DISCOVERY

Michigan prisoner John Adams ("petitioner") has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state criminal proceedings. The respondent has filed an answer to the petition and the state court record. The petitioner has filed a reply to that answer. This matter is before the Court on the petitioner's motion for discovery seeking numerous materials related to his arrest, arraignment, and convictions.

"A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). A federal habeas court may authorize a party to conduct discovery upon a showing of good cause. Rule 6(a) of the Rules Governing Section 2254 Cases. The petitioner has not shown that the information he seeks is necessary for the disposition of this case. He has filed pleadings in support of his habeas claims, as well as a reply to the respondent's answer. It appears that the respondent has submitted all transcripts and documents relevant to the determination of the petition as required by Rule 5 of the Rules Governing

Section 2254 Cases. No further information is required for the Court to decide the case. Moreover, the United States Supreme Court has made clear that federal habeas review under 28 U.S.C. §2254(d) is “limited to the record that was before the state court that adjudicated the claim on the merits.” *Cullen v. Pinholster*, ___ U.S. ___, 131 S. Ct. 1388, 1398 (2011). Consequently, the petitioner is precluded from injecting information that was not presented to the state courts into the present proceeding. Accordingly, the Court **DENIES** the motion for discovery. Should the Court determine, upon further review, that any additional materials are need for the proper resolution of this case, it will enter an appropriate order. No further motions need be filed.

IT IS SO ORDERED.

Dated: April 16, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 16, 2014, by electronic and/or ordinary mail and also on John Adams #592579, Ojibway Correctional Facility, N5705 Ojibway Road, Marenisco, MI 49947.

s/Barbara Radke
Deputy Clerk